



INTERIOR BOARD OF INDIAN APPEALS

F. Howard Walsh, Jr. v. Deputy Assistant Secretary - Indian Affairs (Operations)

13 IBIA 330 (11/27/1985)

Denying reconsideration of:
13 IBIA 312



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

F. HOWARD WALSH, JR.,
Appellant

v.

DEPUTY ASSISTANT SECRETARY--
INDIAN AFFAIRS (OPERATIONS),
Appellee

: Order Denying Reconsideration
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:
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: Docket No. IBIA 85-51-A
:
:
: November 27, 1985

On November 5, 1985, the Board of Indian Appeals (Board) issued an order dismissing the above case and Mae Lamar Davis and Newton Davis v. Acting Deputy Assistant Secretary--India Affairs (Operations), Docket No. IBIA 85-52-A, for lack of jurisdiction. The order referred the appeals to the Board of Land Appeals. 13 IBIA 312 (1985). On November 26, 1985, F. Howard Walsh, Jr. (appellant), filed a petition seeking reconsideration of the dismissal order.

Reconsideration of Board decisions is authorized by 43 CFR 4.315. Under 4.315(a), reconsideration will be granted only in extraordinary circumstances.

The arguments raised by appellant were considered before the November 5 order was issued. The Board continues to hold that it does not have jurisdiction over this appeal. Appellant's petition for reconsideration is, therefore, denied. As in the earlier dismissal order, this matter and appellant's response to appellee's motion to dismiss the appeal are referred to the Board of Land Appeals for appropriate action.

//original signed
Bernard V. Parrette
Chief Administrative Judge

//original signed
Jerry Muskrat
Administrative Judge